



00023

Docket Number

CITY OF BUFFALO
COUNTY OF ERIE STATE OF NEW YORK

CD #:17-0010506

The People of the State of New York

vs.

JAMES KISTNER DOB: 04/03/1960
37 SCHMARBECK
BUFFALO, NY

INFORMATION / COMPLAINT

I, Police Officer LAUREN M. MCDERMOTT, a police officer herein, accuse JAMES KISTNER, the DEFENDANT of this action, and charge that on or about Sunday, January 1, 2017 at 33 SCHMARBECK AV in the CITY OF BUFFALO, County of ERIE, at about 10:54 AM, said DEFENDANT did commit the offense of:

CRIMINAL MISCHIEF 3RD - DAMAGE >\$250.

a class E FELONY contrary to the provisions of section 145.05, subsection(s) 02 of the Penal Law of the State of New York.

145.05-2 - CRIMINAL MISCHIEF IN THE THIRD DEGREE

IN THAT THE DEFENDANT, WHILE AT 37 SCHMARBECK, DID WITH INTENT TO DAMAGE THE PROPERTY OF ANOTHER PERSON; CITY OF BUFFALO POLICE DEPARTMENT, AND HAVING NO RIGHT TO DO SO NOR ANY REASONABLE GROUND TO BELIEVE THAT HE HAD SUCH RIGHT; DID DAMAGE THE PROPERTY, TO WIT; DRIVER'S SIDE MIRROR AND DRIVER'S SIDE MIRROR OF PATROL VEHICLE, IN THE AMOUNT OF MORE THAN \$250.00. IN THAT THE DEFENDANT DID INTENTIONALLY THROW HIS BODY INTO THE DRIVER'S SIDE MIRROR OF PATROL VEHICLE #473, CAUSING THE MIRROR TO BECOME DISLODGED FROM THE VEHICLE AND ALSO CAUSING THE DRIVER'S SIDE WINDOW TO MALFUNCTION, THE VALUE OF SAID DAMAGE TO EXCEED \$250.00. THE DEFENDANT DID CAUSE SAID DAMAGE TO THE ABOVE MENTIONED PROPERTY WITHOUT THE PERMISSION OF THE OWNER.

ALL CONTRARY TO THE PROVISIONS OF THE STATUTE IN SUCH CASES MADE AND PROVIDED. THE ABOVE ALLEGATIONS OF FACT ARE MADE BY THE COMPLAINANT HEREIN ON DIRECT KNOWLEDGE.

Therefore, the complainant requests that said defendant be dealt with according to the provisions of the Criminal Procedure Law, and according to law.

NOTICE

(Penal Law, Section 210.45)

It is a crime, punishable as a Class A Misdemeanor under the Laws of the State of New York, for a person, in a written instrument, to knowingly make a false statement, or to make a statement which such person does not believe to be true.

Lauren M. McDermott
 Complainant

Subscribed and sworn to me this
 1st of January, 2017